

**STATE OF MINNESOTA
BEFORE THE HIGH ISLAND CREEK WATERSHED DISTRICT
SITTING AS THE DRAINAGE AUTHORITY
FOR SIBLEY/RENVILLE/MCLEOD JUDICIAL DITCH 11**

In the Matter of:
Petition for Improvement to
Sibley/Renville/Mcleod Judicial Ditch 11,
Laterals H-2 and H-3

**ORDER ON PRELIMINARY HEARING, ORDER FOR DETAILED
SURVEY REPORT, AND ORDER APPOINTING VIEWERS**

The High Island Creek Watershed District Board of Managers, sitting as the drainage authority for Sibley/Renville/McLeod Judicial Ditch 11, noticed and conducted a public preliminary hearing on March 20, 2026, on a petition for improvement of Sibley/Renville/McLeod Judicial Ditch 11, Laterals H-2 and H-3. On motion duly made by Manager Peris, and seconded by Manager Schwartz, the Board of Managers adopts the following findings and order:

FINDINGS

1. Sibley/Renville/McLeod Judicial Ditch 11 ("JD 11") is a public drainage system primarily under the jurisdiction of a joint board of Renville, Sibley, and McLeod Counties acting as drainage authority, but pursuant to Minn. Stat. § 103D.625 subd. 4, High Island Creek Watershed District has jurisdiction over any petition for improvement of a drainage system located within the watershed district. Because JD 11 is located within High Island Creek Watershed District, the High Island Creek Watershed District Board of Managers (the "Board"), has jurisdiction over the improvement petition discussed herein.
2. On or about January 8, 2025, a Petition for an Improvement of JD 11, Laterals H-2 and H-3 (the "Petition") was submitted by Janet V. Forst, Trustee of the Janet V. Forst Revocable Trust and Leroy Carlson and Joyce Carlson, Trustees of the Joyce C. Carlson Living Trust, (collectively, the "Petitioners").
3. The Petition proposed improvements consisting of increasing the capacity or enlarging the JD 11, Laterals H-2 and H-3 tile lines along their entire length to provide a 3/8" drainage coefficient, with Lateral H-2 commencing at a point in the Northwest Quarter of Section 1, Township 113N, Range 32W, Wellington Township, Renville County, Minnesota, thence northeasterly to its terminus in the Lateral H open ditch at a point located in the Northeast Quarter of Section 36, Township 114N, Range 32W, Martinsburg Township, Renville County, Minnesota, and Lateral H-3 commencing at a point in the Southeast Quarter of Section 36, Township 114N, Range 32W, Martinsburg Township, Renville County, Minnesota, thence northeasterly to its terminus into Lateral H-2 at a point located

in the Southeast Quarter of Section 36, Township 114N, Range 32W, Martinsburg Township, Renville County, Minnesota.

4. On January 27, 2025, the Board accepted the Petition, determining that it met all statutory requirements under Chapter 103E of the Minnesota Statutes and appointed Shaun Luker of Bolton & Menk, Inc. as the Engineer to prepare a Preliminary Engineer's Report for the Petition. In particular, the petition: (a) designates the drainage system at issue, (b) states that the drainage system the drainage system has insufficient capacity or needs enlarging or extending to furnish sufficient capacity or a better outlet, (c) describes the starting point and terminus, (d) describes the improvement, (e) identifies the owners of the 40-acre tracts that the improvement passes over, (f) states that the improvement will be of public utility and promote public health, (g) states that petitioners will pay all costs and expenses that may be incurred if the project is dismissed, and (h) is signed by at 26% of the owners of property that the proposed improvement passes over.
5. On or about February 11, 2026, the Engineer delivered its Preliminary Engineer's Report to the Board, addressing the Petition for Improvement of JD 11, Laterals H-2 and H-3. The Preliminary Engineer's Report was also delivered to the Minnesota Department of Natural Resources (the "DNR") at the same time. No advisory report was submitted by the DNR.
6. On March 20, 2026, the Board held a preliminary hearing to consider the Petition and the Preliminary Engineer's Report.
7. Notice of the preliminary hearing was properly given pursuant to Minn. Stat. § 103E.261, subd. 1 by mailing at least ten days before the hearing notice of the time, place, and location of the hearing to the Petitioners, landowners, and political subdivisions likely to be affected by the proposed improvement. The mailing included all landowners on JD 11.
8. At the preliminary hearing, the following actions were conducted:
 - a. The Board reviewed the Petition finding it to be satisfactory under the statutory requirements of Minn. Stat. Chapter 103E;
 - b. The Board reviewed the preliminary hearing notice and corresponding affidavit of mailing;
 - c. The Engineer appeared and provided necessary information regarding the Preliminary Engineer's Report;
 - d. Public comment was received and considered by the Board;
 - e. After deliberation, the Board directed the preparation of findings and an order concluding that the statutory criteria of the Petition had been met, that the Engineer shall complete a detailed survey report, and that viewers shall be appointed.

ORDER


Based on the foregoing findings and the record of the proceedings before the Board, the Board hereby orders as follows:

1. Said Board hereby determines that:
 - a. The Petition is adequate and meets the legal requirements applicable to this improvement proceeding;
 - b. Adequate notice of the preliminary hearing has been provided;
 - c. The proposed drainage project as outlined in the Petition and as described and recommended in the Preliminary Engineer's Report is feasible;
 - d. There is necessity for the proposed drainage project;
 - e. The proposed drainage project will be of public benefit and promote the public health, after considering the environmental and land use criteria in Minn. Stat. § 103E.015, subd. 1; and
 - f. The outlet for the proposed project is adequate.

2. The Engineer, Shaun P. Luker, P.E. on behalf of Bolton & Menk, is hereby ordered and directed to make a detailed survey with plans and specifications for the proposed drainage project and submit a detailed survey report to the Board as soon as possible.

3. The Board finds that the following three persons are disinterested residents of the State qualified to assess benefits and damages and hereby appoints the following persons as viewers for the improvement project: Ren Ringgaard, Jeff Johnson, and Brad Wreck. Bill Anderson, Alternate

Dated this 20th day of March, 2026.



President of the High Island Creek Watershed
District Board of Managers